

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA

v.

PAUL J. MANAFORT, JR.,

Defendant.

REDACTED VERSION

UNDER SEAL

Crim. No. 17-201-1 (ABJ)

DECLARATION IN  
SUPPORT OF THE GOVERNMENT'S  
BREACH DETERMINATION AND SENTENCING

I, Jeffrey Weiland, hereby declare as follows:

**A. Background**

1. I have been a Special Agent with the Federal Bureau of Investigation (FBI) since March 2008. I am currently assigned to the Special Counsel's Office. As a Special Agent, I have previously investigated crimes including the corruption of public officials, arson, forced labor trafficking, racketeering, and terrorism. Prior to my employment with the FBI, I worked for seven years as an attorney, including clerkships with the United States Court of Appeals for the Fifth Circuit and the District Court for the Northern District of Illinois.

2. I submit this declaration pursuant to the Court's Order dated January 8, 2019, to provide the evidentiary basis to support finding the defendant's statements set out below were false. I have relied on my own work and that of other members of the team on this matter. This declaration does not contain all the evidence compiled by the FBI on these issues.

3. Paul J. Manafort, Jr., attended proffer sessions with the Special Counsel's Office and the FBI on September 11, September 12, and September 13, and debriefings on September 20, September 21, September 25, September 26, September 27, October 1, October 5, October 11, and October 16. Manafort also testified in the grand jury in the District of Columbia on October 26, 2018 and November 2, 2018. Defense counsel was present in all the above sessions except Manafort's testimony before the grand jury, due to the law regarding grand jury secrecy. Counsel was present outside the grand jury and available to Manafort. At the outset of the sessions, Manafort was advised that lying to the government could subject him to prosecution.

4. I participated in each of the proffers and debriefings. The reports I prepared of these sessions summarized information Manafort provided and are not verbatim recitations of the sessions. Similarly, the statements reported herein set out the substance of the statements, and are not verbatim.

I. Payment To [REDACTED]

• Overview

5. After signing the plea agreement, Manafort lied about a \$125,000 payment made in June 2017 to [REDACTED] [REDACTED] Manafort until August 2017. Records establish that the \$125,000 payment came from a [REDACTED] [REDACTED] worked for the [REDACTED]

██████████<sup>1</sup> Manafort has had a long relationship with the head of ██████████  
 ██████████ and the head of the ██████████<sup>2</sup>

6. In the summer of 2016, Manafort had been instrumental in setting up the ██████████ and having ██████████ run it.<sup>3</sup> The ██████████ had engaged ██████████ at Manafort's suggestion and ██████████ performed ██████████  
 ██████████. The ██████████ gave ██████████ approximately \$19 million for ██████████  
 ██████████.<sup>4</sup> Under the terms of the contract between ██████████ and the ██████████ ██████████ was to receive a 6% commission on all ██████████.<sup>5</sup> According to ██████████ half of the commission was to be provided to ██████████ although this was not reflected in the written contract.<sup>6</sup>

- Manafort's False and Misleading Statements

7. Manafort made, seriatim, inconsistent statements to the government when asked about the payment: (1) on September 20, 2018, he said it was repayment of a loan from Manafort to ██████████ which Manafort instructed ██████████ to pay ██████████ because Manafort owed ██████████ money for its ██████████;<sup>7</sup> (2) on October 1, 2018, he said it was money ██████████ was paying on Manafort's behalf because

<sup>1</sup> See Exhibit 1, payment records from ██████████ Exhibit 2, Eagle Bank wire confirmation.

<sup>2</sup> See Exhibit 3, P. Manafort 302, Oct. 1, 2018, p.1 ¶4; Exhibit 4, P. Manafort Grand Jury Testimony, Oct. 26, 2018, p.253.

<sup>3</sup> See Exhibit 5, ██████████ 302, Dec. 12, 2017, p.16 ¶2 and p.17 ¶1.

<sup>4</sup> See Exhibit 6, excerpts of ██████████ bank records.

<sup>5</sup> See Exhibit 7, ██████████ Consulting Contract with ██████████ Exhibit A.

<sup>6</sup> See Exhibit 8, ██████████ 302, Nov. 6, 2018, p.1 ¶2.

<sup>7</sup> See Exhibit ██████████ P. Manafort 302, Sept. 20, 2018, p.6 ¶2 ("██████████ paid about \$50,000 to \$60,000 towards Manafort's ██████████ bill. ██████████ owed Manafort the money."); Exhibit 4, P. Manafort Grand Jury Testimony, Oct. 26, 2018, pp. 254-57 ██████████  
 ██████████



Manafort had given █████ work in the past, and Manafort asked █████ to pay what he owed Manafort directly to █████;<sup>8</sup> and (3) on October 16, 2018, he said Manafort requested █████ to give the money to █████ which would constitute a loan from █████ to Manafort, which Manafort would repay █████.<sup>9</sup>

- Proof Of Manafort's False And Misleading Statements

8. The falsity of the first explanation provided by Manafort is evidenced by, among other things, that: █████ not █████ made the payment to █████ the debt █████ owed Manafort (as reflected on Manafort's books and records) was \$20,000, not \$125,000;<sup>10</sup> and Manafort changed his explanations after Manafort was told the above facts.

9. The falsity of the second version provided by Manafort is shown by, among other things, █████ statements to the government, corroborated by payment records and text messages. █████ told the government that the payment was not money he owed Manafort for work Manafort had obtained for █████ Instead, █████ said he made the payment to █████ because he was instructed to do so by █████ █████ told the government that █████ hired █████ to work for the █████ on the condition that █████ personally receive half of the 6%

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<sup>8</sup> See Exhibit 3, P. Manafort 302, Oct. 1, 2018, p.1 ¶4 ("█████ rationalized that the money he paid to the █████ had come from the money he earned working for the █████ Manafort has given █████ millions of dollars in business over the years.") Manafort said the payment was declared as income to Manafort, and not treated as a gift. See Exhibit 3, P. Manafort 302, Oct. 1, 2018, p.2 ¶1. Manafort explained that the reason he had previously mentioned █████ was because Manafort asked █████ to ask █████ to pay █████ and when █████ spoke to █████ █████ said he would deal with Manafort directly. See Exhibit 9, P. Manafort 302, Sept. 20, 2018, p.6 ¶2.

<sup>9</sup> See Exhibit 10, P. Manafort 302, Oct. 16, 2018, p.3. ¶3 ("█████ paid Manafort's █████ Originally, they planned for the payment to be a loan. Last year, they executed a note with a payment plan including interest. Manafort did not do any work for the money.")

<sup>10</sup> See Exhibit 11, DMP International, LLC Financial Statements.

commission due [REDACTED] under the contract. The contract between [REDACTED] and the [REDACTED] did not record the “commission” split with [REDACTED]. [REDACTED] said that [REDACTED] held the 3% “commission” for [REDACTED] and [REDACTED] directed [REDACTED] how to spend it. [REDACTED] followed [REDACTED] instructions and directed [REDACTED] payment to [REDACTED] from [REDACTED] 3% funds. [REDACTED] did not know why [REDACTED] directed the money to be paid to Manafort’s [REDACTED]. [REDACTED] also did not know if [REDACTED] and [REDACTED] had a separate commission agreement.<sup>11</sup> [REDACTED] statements are corroborated, among other things, by text messages between Manafort and [REDACTED] in which Manafort provided [REDACTED] with routing information for payment. [REDACTED] replied with the bank tracking numbers for the payment.<sup>12</sup>

10. Manafort’s third version, that the \$125,000 was a loan by [REDACTED] to Manafort, is belied by, among other things: the statements of both [REDACTED] and Manafort’s tax preparer; Manafort’s e-mail to his tax preparer; Manafort’s tax return; and Manafort’s lack of repayment of the “loan.”

11. Manafort offered the “loan” explanation on October 16, 2018, three-and-a-half-weeks after he was first asked about the payment. Another week and a half later, Manafort provided the government with an unsigned promissory note, dated September 14, 2017 ([REDACTED] payment to [REDACTED] was in June 2017), which included a payment schedule. The last of the three scheduled payments, totaling \$131,249.96, was due on September 15, 2018.<sup>13</sup> Manafort stated that only one payment was ever

<sup>11</sup> See Exhibit 8, [REDACTED] 302, Nov. 6, 2018, p.1 ¶2 and p.2 ¶4.

<sup>12</sup> See Exhibit 12, P. Manafort and [REDACTED] Text Messages, June 20-29, 2017.

<sup>13</sup> See Exhibit 13, alleged promissory note.

made to [REDACTED] in the amount of about \$6,000 within the last month. Manafort stated that the payment was subsequent to, but not because of, the government's inquiry about the \$125,000 payment.<sup>14</sup>

12. [REDACTED] told the government that he did not make a loan to Manafort; instead, he made the payment to [REDACTED] because he was instructed to do so by [REDACTED] on behalf of Manafort, as noted above.<sup>15</sup> [REDACTED] stated that he did not loan or gift any of his own money to Manafort or Manafort's counsel. Further, [REDACTED] said when asked to contribute his own money to Manafort's legal defense, [REDACTED] declined. Finally, [REDACTED] said that he has never received any payments directly or indirectly from Manafort.<sup>16</sup>

13. Similarly, Manafort's tax preparer denied knowing the payment was a loan. In September 2017, Manafort e-mailed his tax preparer instructing him to treat the \$125,000 payment as "income" (which would be consistent with the payment being a "commission" given to Manafort from [REDACTED] 3%). Manafort stated in that e-mail that he made the "vendor pay directly to [REDACTED]," "because of complications in my banking."<sup>17</sup> The tax preparer accordingly included the \$125,000 as income in Manafort's 2017 tax return, although he did not know the factual circumstances that would warrant treating it as income.<sup>18</sup> In October 2018, after the government's

<sup>14</sup> See Exhibit 10, P. Manafort 302, Oct. 16, 2018, p.3 ¶3.

<sup>15</sup> See Exhibit 8, [REDACTED] 302, Nov. 6, 2018, p.1 ¶2 and p.2 ¶4; Exhibit 4, P. Manafort Grand Jury Testimony, Oct. 26, 2018, pp. 247-48 [REDACTED]

<sup>16</sup> Exhibit 8, [REDACTED] 302, Nov. 6, 2018, p.2 ¶6 and p.3 ¶¶1-2.

<sup>17</sup> See Exhibit 14, E-mail, Sept. 24, 2017, P. Manafort to [REDACTED] ("This is income for 2017.")

<sup>18</sup> See Exhibit 15, excerpt of P. Manafort's 2017 filed tax return; Exhibit 16, [REDACTED] 302, Nov. 14, 2018, p.1 ¶4.



inquiry to Manafort about the \$125,000 payment, a Manafort representative e-mailed the tax preparer asking him how the “note” was handled. The representative also provided him with an unsigned loan document with respect to the \$125,000 payment, claiming that interest payments were made this year.<sup>19</sup> The tax preparer told the government that the October 2018 e-mail inquiry was the first he had ever heard that the payment was a purported loan. He did not change anything on the return based on the e-mail.<sup>20</sup>

## II. Konstantin Kilimnik’s Role in The Witness Tampering Conspiracy

- Overview

14. At his proffer on September 11, 2018, Manafort admitted that he conspired with Kilimnik to obstruct justice by tampering with witnesses, as charged in the Superseding Indictment returned on June 8, 2018. As part of his guilty plea before this Court, Manafort again admitted to conspiring with Kilimnik to obstruct justice to tamper with two witnesses. Subsequently, in an interview on October 16, 2018, after his guilty plea, Manafort denied Kilimnik’s knowing involvement in the conspiracy. That denial was false.

- Manafort’s False and Misleading Statements about Kilimnik’s Role in the Obstruction Conspiracy

15. During an interview with the government on October 16, 2018, Manafort said that: Kilimnik did not believe that he was obstructing justice when he contacted

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<sup>19</sup> See Exhibit 17, E-mail, Oct. 30, 2018, [REDACTED] to [REDACTED], with Attachment “Note.pdf”

<sup>20</sup> See Exhibit 16, [REDACTED] 302, Nov. 14, 2018, p.2 ¶2.

██████████ (identified as Person D1 in the charging document) and ██████████ (identified as Person D2); in Kilimnik's mind, he was only communicating information; Kilimnik did not feel that he exerted any pressure; and to Kilimnik, Europe was the fulcrum of the Hapsburg Group project. At the same session, Manafort added that he talked with Kilimnik after Kilimnik was indicted, that Kilimnik thought it was crazy that he had been charged, and that Manafort agreed that it was outrageous.<sup>21</sup>

16. The government notified Manafort's counsel that it believed Manafort's statements were inconsistent with what he had previously said to the government and allocuted to in court. The parties then took a break.

17. After speaking with his attorney, Manafort changed his account, and stated that: he conspired with Kilimnik; at the time he pleaded guilty, Manafort understood the elements of the conspiracy; Manafort and Kilimnik agreed to try to have ██████████ say something that was not true; Kilimnik knew that the Hapsburg Group performed work in the United States; Kilimnik messaged ██████████ to get him to say that the Hapsburg Group was Europe focused; and Kilimnik was guilty of obstruction of justice because he was aware of the facts and agreed to knowingly violate the law. Manafort told the government that he had not changed his statements, but the government had been confused about what he had said.

- Proof that Manafort's Statements Were False and Misleading

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<sup>21</sup> Exhibit 10, P. Manafort 302, Oct. 16, 2018, p.6 ¶¶1-2. The defense has contended that Manafort did not lie on this topic as he could not speak to Kilimnik's state of mind. Sealed Response to OSC Breach Submission, Jan. 7, 2019 (Doc. 470). However, Manafort did just that in the debriefings.



18. Manafort's October 16, 2018, statements attempting to exculpate Kilimnik with respect to the charged obstruction of justice conspiracy are contradicted by his statements during a September 11, 2018 proffer with the government, his sworn statements before this Court during his guilty plea, his corrected statements on October 16, 2018, as well as the underlying proof of the conspiracy.<sup>22</sup> Manafort's statement that he had not changed his story was also false, as set forth above.

- The Superseding Indictment and Initial Proffer

19. On June 8, 2018, a grand jury sitting in the District of Columbia returned a seven-count Superseding Indictment charging Manafort and Kilimnik.<sup>23</sup> Count Six charged Manafort and Kilimnik with attempted obstruction of justice, pursuant to 18 U.S.C. §§ 1512(b)(1) and 2.<sup>24</sup> Count Seven charged both defendants with conspiracy to obstruct justice pursuant to 18 U.S.C. § 1512(k).<sup>25</sup> Both counts related to Manafort and Kilimnik's efforts to persuade two witnesses, identified as Person D1 (██████████) and D2 (██████████), to testify falsely

20. At the proffer on September 11, 2018, Manafort admitted his involvement in the charges in the criminal prosecution pending in the District of

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<sup>22</sup> Exhibit 100, P. Manafort Statement, Sept. 11, 2018; Statement of the Offenses and Other Acts, ¶¶44-46 and p.24, Sept. 14, 2018 (Doc. 423); Order, United States v. Manafort, No. 18-3037 (D.C. Cir. July 12, 2018) (Doc. 1740431); Opinion at pp.15-16, United States v. Manafort, No. 18-3037 (D.C. Cir. July 31, 2018) (Doc. 1743190) ("The District Court's treatment of the EDVA Stay-Away Order was merely part of the icing; the cake had already been baked.")

<sup>23</sup> Superseding Indictment, June 8, 2018 (Doc. 318).

<sup>24</sup> *Id.*, ¶¶48-49.

<sup>25</sup> *Id.*, ¶¶50-51.

Columbia. With respect to the conspiracy to obstruct justice, Manafort stated the following (reading from a written statement under the heading “Witness tampering”):

- In response to press reports concerning the Superseding Indictment I attempted to contact [REDACTED] [sic], a former consultant that I had worked with regarding Ukraine political issues, through a group known as the Hapsburg Group.
- I left a message for [REDACTED] [sic] emphasizing that his group was working in Europe.
- I contacted KK and requested that he reach out to [REDACTED] [sic] and another member of the Hapsburg group to do the same.
- knowing that [REDACTED] [sic] and the members of the Hapsburg group also directed their Ukrainian outreach into the United States and previously including meeting with members of the U.S. government.

21. Manafort’s counsel provided the written statement he read at the proffer to the government and it is an exhibit hereto.<sup>26</sup>

- Guilty Plea

22. Manafort more explicitly admitted Kilimnik’s role in the charged conspiracy as part of his guilty plea before the Court. On September 14, 2018, Manafort pled guilty to both counts charged in a Superseding Information: (a) a conspiracy to defraud the United States (Count One), and (b) a conspiracy to obstruct

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<sup>26</sup> Exhibit 101, P. Manafort 302, Sept. 11, 2018, p.1 ¶2; Exhibit 100, P. Manafort Statement, Sept. 11, 2018.

justice (witness tampering)(Count Two). Count Two specifically named Kilimnik as a conspirator (as did the original Superseding Indictment). Paragraphs 64 to 67 of the Superseding Information detailed the allegations of the obstruction conspiracy. In addition, as part of his plea agreement, Manafort admitted to a statement of facts. Paragraphs 44 through 46 in the Statement Of The Offenses And Other Acts, which he signed and initialed, also referenced the conspiracy with Kilimnik (and tracked the Count Two allegations).

23. These documents set out that between February 23, 2018 and April 2018, Manafort conspired with Kilimnik to tamper with two witnesses – described as Person D1 [REDACTED] and Person D2 [REDACTED] – with respect to their potential testimony about the Hapsburg Group and its activity in the United States, namely to induce each to testify falsely that the Hapsburg Group did not involve work in the United States (thus not violating the Foreign Agents Registration Act).

24. As required by the Court at his guilty plea proceeding, Manafort acknowledged the facts in the Statement Of The Offenses And Other Acts to be true.<sup>27</sup>

### **III. Interactions with Kilimnik**

- **Overview of Interactions Between Manafort and Kilimnik**

25. Beginning on August 2, 2016, and continuing until March 2018, Manafort and Kilimnik communicated about a [REDACTED]. Manafort and Kilimnik discussed the [REDACTED] in [REDACTED]

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<sup>27</sup> Tr. of Plea Hearing at pp.34-35, Sept. 14, 2018 (Doc. 424), acknowledging government recitation of the offenses and the facts in the Statement Of The Offenses And Other Acts (“And did you also, in fact, conspire with at least one other person to obstruct justice by tampering with witnesses concerning the FARA allegations in 2018?” And the defendant responded: “I did.”)



[REDACTED]. The discussions on [REDACTED], on or around [REDACTED], and on [REDACTED], were in person.

[REDACTED]

27. In addition, as discussed below, [REDACTED]

[REDACTED]

[REDACTED]

- Manafort's False and Misleading Statements about the Fact And Frequency Of His Discussions Of The [REDACTED] With Kilimnik

28. Over the course of several interviews and in the grand jury, Manafort gave various accounts concerning his communications with Kilimnik about the [REDACTED].

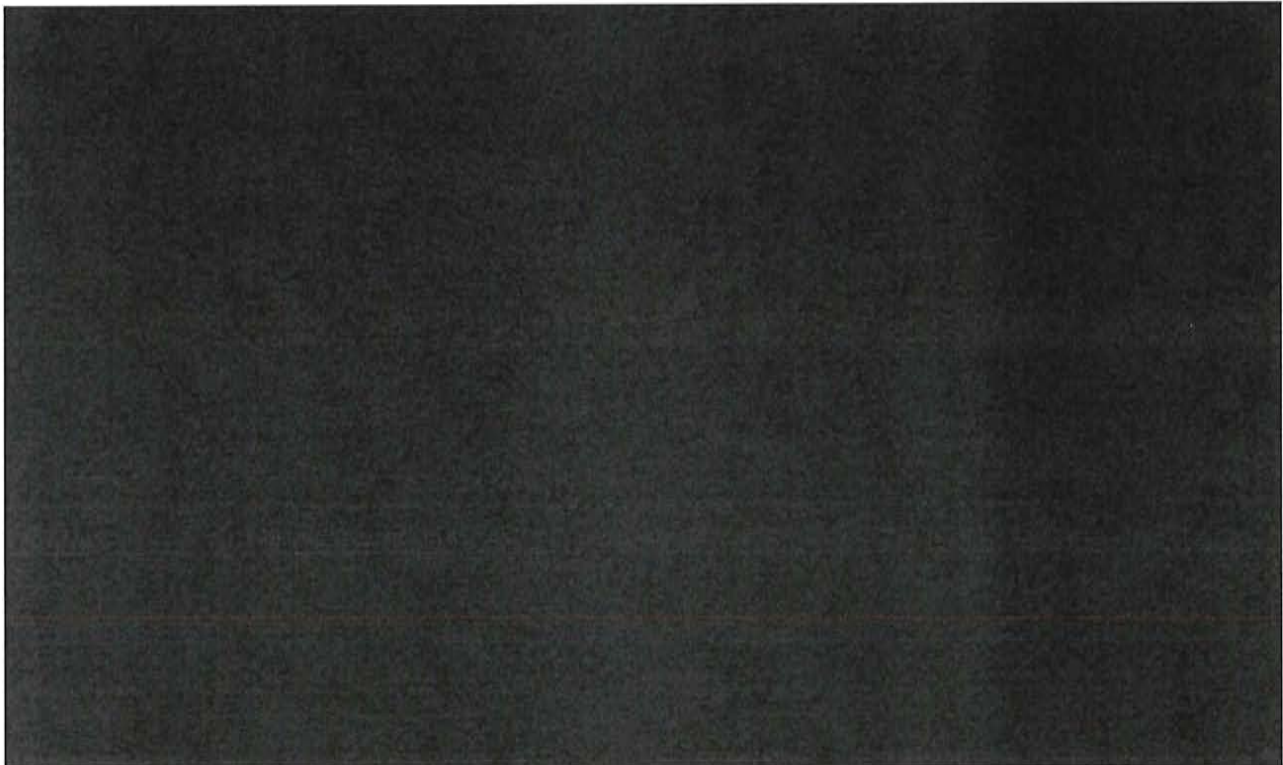
29. In an interview on September 11, 2018, Manafort said that at an in-person meeting in New York City on [REDACTED]

[REDACTED]

[REDACTED].<sup>30</sup> According to Manafort, he told [REDACTED]  
[REDACTED] Manafort stated he  
[REDACTED]  
[REDACTED]

30. During debriefings on September 11 and 12, 2018, Manafort was shown  
[REDACTED] Manafort  
admitted that he had seen the e-mail, [REDACTED]  
[REDACTED]

31. The government questioned Manafort about the [REDACTED] e-mail,  
noting that on its face it did not indicate that [REDACTED]  
[REDACTED]



[REDACTED] On  
September 12, Manafort admitted that he did not [REDACTED]

[REDACTED]  
[REDACTED] [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

32. In the grand jury, on October 26, 2018, Manafort admitted, [REDACTED]

[REDACTED]  
[REDACTED]

- The [REDACTED] Meeting

33. During his September 11, 2018 interview, Manafort stated that he [REDACTED]

[REDACTED]  
[REDACTED] [REDACTED]  
[REDACTED]  
[REDACTED]

[REDACTED]



34. Subsequently, during a September 21, 2018, debriefing, Manafort stated that [REDACTED]

35. During his grand jury testimony on October 26, 2018, Manafort testified that [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

- The [REDACTED] Meeting

36. In his debriefings, Manafort was asked about a [REDACTED]

[REDACTED]

37. In the September 11, 2018, session, Manafort said he [REDACTED]

[REDACTED] Manafort said he did not [REDACTED]

[REDACTED]

38. On September 12, Manafort was again asked if he [REDACTED]

[REDACTED] Manafort said that he had no memory of [REDACTED]

[REDACTED]. When told that [REDACTED]

[REDACTED]

[REDACTED], Manafort stated he did not recall meeting [REDACTED]

[REDACTED] [REDACTED]  
[REDACTED]  
[REDACTED]

39. During an interview on September 13, Manafort said that in fact he did

[REDACTED]. Manafort asked [REDACTED]  
[REDACTED]  
[REDACTED] Manafort stated he did not [REDACTED]  
[REDACTED]  
[REDACTED]

40. During Manafort's grand jury testimony on October 26, Manafort testified that [REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]

- 2018 [REDACTED]
  - Background on [REDACTED]

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[REDACTED]

41. Manafort was asked in the grand jury about his work in 2018 on [REDACTED]  
[REDACTED] Manafort had not mentioned the [REDACTED] during any of his twelve interviews and had said he had last discussed the [REDACTED] in spring 2017.

42. Records establish that on [REDACTED] 2018, Manafort had executed a  
[REDACTED]

43. On February 21, 2018, Manafort e-mailed [REDACTED] and [REDACTED]  
[REDACTED]  
[REDACTED] a document entitled [REDACTED]. The document properties show it was created by [REDACTED] and modified by Manafort.<sup>50</sup> Manafort testified that [REDACTED] sent him the document.<sup>51</sup>

44. [REDACTED]  
[REDACTED]  
Manafort admitted in the grand jury that this document described the [REDACTED]  
[REDACTED]

<sup>49</sup> Exhibit 201, E-mail, Feb. 21, 2018, P. Manafort to [REDACTED]

<sup>50</sup> Exhibit 213, [REDACTED] Feb. 10, 2018.

<sup>51</sup> Exhibit 4, P. Manafort Grand Jury Testimony, Oct. 26, 2018, pp. 138-139.  
[REDACTED]



45. [REDACTED] told the government that he was primarily responsible for drafting the [REDACTED].<sup>54</sup> [REDACTED] based his [REDACTED] on directions given to him by Manafort, and then sent the drafts to Manafort for his review.<sup>55</sup> For example, Manafort instructed [REDACTED]

[REDACTED] Manafort also received input from [REDACTED] For instance, on February 19, 2018, Manafort sent [REDACTED] comments that Manafort received from [REDACTED].<sup>57</sup> Similarly, on March 9, Manafort included [REDACTED] notes on “draft 4” of the survey.<sup>58</sup> Several of the questions in the [REDACTED]

- Manafort’s grand jury testimony

<sup>54</sup> Exhibit 214, [REDACTED] 302, Nov. 6, 2018, p.1 ¶3; Exhibit 212, [REDACTED] 302, Oct. 30, 2018, p.3 ¶¶1-2.

<sup>55</sup> Exhibit 215, [REDACTED] 302, Oct. 22, 2018, p.2 ¶2.

<sup>57</sup> Exhibit 205, E-mail, Feb. 19, 2018, [REDACTED], p. 1.

<sup>58</sup> Exhibit 218, E-mail, Mar. 9, 2018, P. Manafort to [REDACTED]

46. In the grand jury, Manafort testified that he sought to [REDACTED]

47. Manafort was asked in the grand jury [REDACTED]

[REDACTED] Manafort explained that he had not told [REDACTED]

48. Manafort was then asked what [REDACTED]

[REDACTED] After a lunch break, Manafort [REDACTED]

- Manafort's False and Misleading Statements about [REDACTED]

49. During his interview on September 11, 2018, Manafort stated he [REDACTED]

[REDACTED] During Manafort's grand jury testimony on October 26, in response to a question as to whether [REDACTED]

Manafort responded: [REDACTED]

[REDACTED] Manafort further testified: [REDACTED]

- Proof of Manafort's False and Misleading Statements

50. With respect to the communications about the [REDACTED], the government notes the following additional facts.



51. Manafort's grand jury testimony that [REDACTED]

[REDACTED] Manafort told the government that [REDACTED]

52. [REDACTED]

[REDACTED] Further, Manafort himself referred to [REDACTED] as [REDACTED] in a number of e-mails, and [REDACTED] referred to [REDACTED] in the same e-mail in which he also [REDACTED]<sup>75</sup>

Further, [REDACTED] told the government they were not [REDACTED]

[REDACTED] statements are supported by a February 21, 2018, e-mail in which [REDACTED] asked for the [REDACTED] and Manafort responded that "I will [REDACTED]

[REDACTED]"<sup>77</sup> However, no such draft was provided.

<sup>75</sup> Exhibit 219, E-mail, May 4, 2018, P. Manafort to [REDACTED] Exhibit 220, E-mail, March 26, 2018, P. Manafort to [REDACTED] p. 1.; Exhibit 205, E-mail, February 19, 2018, [REDACTED]

<sup>77</sup> Exhibit 221, E-mail, Feb. 21, 2018, [REDACTED] to P. Manafort [REDACTED], p. 1.

53. With respect to the [REDACTED], evidence (including e-mails and testimonial evidence) indicates that Manafort [REDACTED]

54. During interviews with Gates, Gates told the government that he was instructed by Manafort to [REDACTED]

[REDACTED] On multiple occasions, [REDACTED]

55. In addition, [REDACTED] that referenced his access to [REDACTED]. In eight separate e-mails during that period, [REDACTED]

56. Finally, as noted, on the evening of [REDACTED], Manafort met with [REDACTED] Gates attended, but arrived late. On the morning of the meeting, Manafort [REDACTED]

[REDACTED] The document was [REDACTED]  
[REDACTED] A review of Manafort and Gates's e-mails confirmed that both [REDACTED]  
[REDACTED]

#### IV. Another DOJ Investigation

- Overview

[REDACTED]

58. Manafort gave different versions of events surrounding an incident in [REDACTED]: one version that was more incriminating was given prior to signing the plea agreement (on September 13, 2018), and another that was more benign was made after on October 5, 2018, after his plea. When confronted with the inconsistency by the government and his own counsel, Manafort largely retracted the second version.

- Manafort's False and Misleading Statements

[REDACTED]



59. During an interview on October 5, 2018, which included representatives of [REDACTED], Manafort addressed the aforementioned incident. Manafort gave an anodyne version of the incident. He said he received a call from [REDACTED] after

[REDACTED]. The conversation was part of a longer meeting on other subjects.<sup>85</sup> Manafort said that [REDACTED]

[REDACTED]. In the debriefing, Manafort did not state [REDACTED]

60. At this point in the debriefing, Manafort's attorneys gave him a typewritten document to read, representing it was notes of what Manafort previously told the government on the subject. Manafort then stated that around the same time

that [REDACTED] called Manafort about [REDACTED] and it was [REDACTED] [REDACTED] [REDACTED]

[REDACTED] Manafort stated he believed [REDACTED] [REDACTED]

[REDACTED] Manafort stated he did not know of [REDACTED]

[REDACTED]

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<sup>85</sup> Exhibit 300, P. Manafort 302, Oct. 5, 2018, p.1 ¶2.

61. Manafort again reviewed the typewritten document. Manafort then stated that in the call he received from [REDACTED]

62. At this point in the interview, Manafort's attorneys requested a break to speak with Manafort. After the break, Manafort again described the incident with a narrative close to what Manafort had told the government during his September 13, 2018 proffer (described below), including the [REDACTED]

- Proof of Manafort's False and Misleading Statements

63. On September 13, 2018, Manafort provided information about [REDACTED]  
[REDACTED] The issue arose in connection with the government's asking Manafort about a series of text messages [REDACTED]

64. Manafort stated that the text may have related to a [REDACTED]

[REDACTED]

65. Manafort said that after the [REDACTED]

[REDACTED]

66. Manafort stated that after this meeting, but prior to his leaving the campaign (on August 19), [REDACTED] not how it was handled.<sup>91</sup> Manafort noted that subsequent to his call [REDACTED]

[REDACTED]

V. Manafort's Contact with the Administration

- Overview

[REDACTED]



67. Manafort told the government that he did not have any contact, direct or indirect, with any member of the Administration and did not try to have such contact. Evidence demonstrates that Manafort's statements were false. Documentary evidence establishes that Manafort agreed to have messages sent to the Administration, including about Administration [REDACTED]

[REDACTED] Gates has also said that Manafort told Gates about his contact with the Administration. And during his grand jury testimony, when confronted with documents, Manafort admitted [REDACTED]

- Manafort's False and Misleading Statements Regarding Contact with the Administration

68. Manafort stated on several occasions that he never spoke to anyone in the Administration, either directly or indirectly. For instance, during an interview with the government on October 16, 2018, Manafort stated he had no direct or indirect communications with anyone in the Administration while they were in the Administration, and that he never asked anyone to try to communicate a message to anyone in the Administration on any subject matter.<sup>94</sup> Manafort stated that he spoke with certain individuals before they worked for the Administration and after they left the Administration, but not while they were in the Administration.<sup>95</sup>

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<sup>93</sup> This is not a complete listing of such contacts Manafort had with Administration officials. Further, for the purposes of proving the falsity of Manafort's assertions in this section, the government is not relying on communications that may have taken place, with Manafort's consent, through his legal counsel. We previously so advised the defense.

<sup>94</sup> See Exhibit 10, P. Manafort 302, Oct. 16, 2018, p.2 ¶5.

<sup>95</sup> See *id.*

- Proof that Manafort's Statements Were False and Misleading

69. Evidence demonstrates that Manafort had contacts, and tried to have contacts, through others, with the Administration. Indeed, Manafort ultimately conceded [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

70. Further, during his grand jury testimony, Manafort was asked about

[REDACTED]

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[REDACTED]

[REDACTED]

71. Further, in May 2018, Manafort was involved in an effort to [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] Additionally, a Word document was identified in Manafort's iCloud that referenced [REDACTED] dated May 15, 2018 and, per the metadata, was authored and edited by Manafort.<sup>103</sup> Under a section titled "Targets," a bullet point stated "ISSUE: PJM [Manafort] will find out if [REDACTED] [REDACTED] When asked during grand jury testimony about [REDACTED], Manafort stated [REDACTED]

[REDACTED]



[REDACTED] When asked  
if he reached out to [REDACTED]

[REDACTED]

72. Further, on May 26, 2018, [REDACTED] texted Manafort and asked him:  
“If I see POTUS one on one next week am I ok to remind him of our relationship?”  
Manafort responded to the text, “[y]es” and “[e]ven if not one on one.”<sup>106</sup> During  
Manafort’s grand jury testimony, he confirmed [REDACTED]

[REDACTED]

73. In addition to this documentary evidence, Gates has told the  
government in debriefings that in approximately January 2017, Manafort told Gates  
that he was using intermediaries, including [REDACTED] to get people appointed in the  
Administration. Manafort said he was talking to [REDACTED]

Based on the above factual circumstances, among others (including my assessment of Manafort's demeanor), it is my belief that Manafort made false and misleading statements in breach of the plea agreement with the government.<sup>109</sup>

Executed on 01/14/2019

21/11/11

<sup>109</sup> Defendant said in his pleading that he has provided electronic devices to the government. However, although he has provided some electronic data, passwords, and documents, in more than ten instances he did not provide passwords to access his electronic communications, thumb drives, or documents.